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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRA-S-647-SB of 2003

Date of decision: July 12, 2017

Santra Devi

.....Appellant

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: None for the appellant.

Ms. Samina Dhir, DAG Punjab.

A.B. CHAUDHARI, J (Oral)

By the present appeal, appellant-Santra Devi has put to challenge judgment and order dated 21.03.2003 in Sessions Case No.15 of 02.05.2001 passed by Special Judge, Patiala, by which she was convicted for offence under Section 12 of the Prevention of Corruption Act, 1988 (for short 'P.C. Act') and was sentenced to undergo Rigorous Imprisonment for 2 years and fine of ₹3,000/-; in default to undergo Rigorous Imprisonment for 2 months.

None appeared on behalf of the appellant. Ms. Samina Dhir, DAG Punjab appears for State.

I have gone through the entire record as well as reasons given by the trial Court in convicting appellant-Santra Devi. I have gone through the evidence of the concerned witnesses including star witness-Sub Inspector Amarjit Singh as PW2.

Learned State counsel has supported the impugned judgment and order. She submitted that the trial Court has recorded reasons for

convicting appellant-Santra Devi and the reasons are based on evidence. She, therefore, submitted that the appeal is required to be dismissed. She then submitted that the appellant has undergone 14 days of imprisonment as per last custody certificate and therefore, there is no need to reduce the sentence also.

I have seen the evidence of PW2-Sub Inspector Amarjit Singh. Following portion from the evidence of PW2 is quoted below:-

“xxxx.

..... *I did not give any information to SHO Police Station Kotwali, Patiala regarding this fact of offering of bribe by the accused to me. It is correct that the Police Post Division No.4 falls under the jurisdiction of Police Station Kotwali, Patiala. It is correct that all the FIRs are/were being recorded regarding commission of any offence within the area of Police Post Division No.4, Patiala, in Police Station Kotwali, Patiala.*

....

I did not arrest the accused, but they were arrested by the DSP, Ruqa was sent by me. It is correct that there is a Vigilance Office at Patiala and officials are available there. No information was sent to the Vigilance Office in this case.”

PW2-Sub Inspector Amarjit Singh has not at all explained as to why he did not make a report to the concerned police station or effect the arrest then and there if really Santra Devi had tried to offer bribe amount of ₹34,000/-. At any rate, the amount of currency allegedly seized was not shown to him for identifying. There is no corroborative evidence. It appears that the property that was seized, namely currency notes was not produced before the Court. It is an admitted position that the FIR in respect of which the husband, son of Santra Devi were

arrested and were tried, ultimately resulted into acquittal on merits. Be that as it may, the above evidence that the property, namely currency notes not being produced before the Court and shown to the witnesses including star witness PW2-Sub Inspector Amarjit Singh, in my opinion, is insufficient to record conviction against the appellant. The charge under Section 12 of the P.C. Act, therefore, cannot be said to have been proved beyond reasonable doubts.

In that view of the matter, CRA-S-647-SB of 2003 is allowed. Impugned judgment and order dated 21.03.2003 in Sessions Case No.15 of 02.05.2001 passed by Special Judge, Patiala is set aside. Appellant-Santra Devi is acquitted of the charge framed against her.

(A.B. CHAUDHARI)
JUDGE

July 12, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No